

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

DEMETRE DURHAM,)	1:23-CV-00255-MWJS-KJM
)	
Plaintiff,)	
)	FIRST AMENDED RULE 16
vs.)	SCHEDULING ORDER
)	
EXPERIAN INFORMATION)	
SOLUTIONS, INC.,)	
)	
Defendant.)	
)	

FIRST AMENDED RULE 16 SCHEDULING ORDER

Pursuant to Fed. R. Civ. P. 16(e) and LR 16.3, the Court enters this scheduling conference order:

TRIAL DATE:

1. **JURY** trial in this matter will commence before the Honorable Micah W.J. Smith, United States District Judge on April 7, 2025, at 9:00 a.m..

AMENDING PLEADINGS:

2. All motions to join additional parties or to amend the pleadings shall be filed by **CLOSED**.

EXPERT WITNESSES:

3. Each party shall make the disclosures regarding expert witnesses or other witnesses with specialized knowledge as required by Fed. R. Civ. P. 26(a)(2) according to the following schedule:

a. Plaintiff shall comply by **CLOSED**.

b. Defendant shall comply by September 27, 2024.

Rebuttal disclosures to a witness identified by another party pursuant to subparagraphs a and b hereinabove shall occur within thirty (30) days after the disclosure by the other party.

DISCOVERY:

4. Unless and until otherwise ordered by the Court, the parties shall follow the discovery plan agreed to by the parties herein pursuant to Fed. R. Civ. P. 26(f).

5a. Pursuant to Fed. R. Civ. P. 16(b)(3) and LR 16.2(a)(6), the discovery deadline shall be November 8, 2024. Unless otherwise permitted by the Court, all discovery pursuant to Federal Rules of Civil Procedure, Rules 26 through 37 inclusive must be completed by the discovery deadline.

b. Unless otherwise permitted by the Court, all discovery motions and conferences made or requested pursuant to Federal Rules of Civil Procedure, Rules 26 through 37 inclusive of LR 26.1, 26.2, and 37.1 shall be filed no later than October 9, 2024.

MOTIONS:

6. Dispositive motions shall be filed by November 8, 2024.

7. All other non-dispositive motions including any motion requiring an evidentiary hearing (including *Daubert* motions) shall be filed by January 7, 2025. This deadline does not include motions in limine or discovery motions.

8. Motions in limine shall be filed by March 10, 2025.

Any opposition memorandum to a motion in limine shall be filed by March 17, 2025.

SETTLEMENT:

9. A settlement conference shall be held on December 10, 2024, at 11:00 a.m. in Chambers of Magistrate Judge Kenneth J. Mansfield before the Honorable Kenneth J. Mansfield, United States Magistrate Judge.

10. Each party shall deliver to the presiding Magistrate Judge a confidential settlement conference statement by December 3, 2024. The parties are directed to LR 16.5(b) for the requirements of the confidential settlement conference statement.

11. The parties shall exchange written settlement offers and meet and confer to discuss settlement before the date on which settlement conference statements are due.

TRIAL AND FINAL PRETRIAL:

12. A Telephonic final pretrial conference shall be held on February 24, 2025, at 9:45 a.m. before the Honorable Kenneth J. Mansfield, United States Magistrate Judge.

13. Pursuant to LR 16.4, each party herein shall serve and file a separate final pretrial statement by February 18, 2025.

14. By March 10, 2025, the parties shall pre-mark for identification all exhibits and shall exchange or, when appropriate, make available for inspection all exhibits to be offered, other than for impeachment or rebuttal, and all demonstrative aids to be used at trial.

15. By March 17, 2025, each party shall serve and file a final comprehensive witness list indicating the identity of each witness that the party will call at trial and describing concisely the substance of the testimony to be given and the estimated time required for the testimony of the witness on direct examination.

16. The parties shall make arrangements to schedule the attendance of witnesses at trial so that the case can proceed with all due expedition and without any unnecessary delay.

17. The party presenting evidence at trial shall give notice to the other party the day before of the names of the witnesses who will be called to testify the next day and the order in which the witnesses will be called.

18. The parties shall meet and confer regarding possible stipulations to the authenticity and admissibility of proposed exhibits by March 17, 2025.

19a. By March 17, 2025, the parties shall serve and file statements designating excerpts from depositions (specifying the witness and page and line referred to) to be used at trial other than for impeachment or rebuttal.

b. Statements counter-designating other portions of depositions or any objections to the use of depositions shall be served and filed by March 24, 2025.

20. By March 24, 2025, each party shall serve and file a trial brief on all significant disputed issues of law, including foreseeable procedural and evidentiary issues, setting forth briefly the party's position and the supporting arguments and authorities.

21. By March 24, 2025 the parties shall file any objections to the admissibility of exhibits. Copies of any exhibits to which objections are made shall be attached to the objections.

22a. The original set of exhibits and two copies (all in binders) and a list of all exhibits shall be submitted to the Court by March 31, 2025.

b. A thumb drive of all exhibits shall be submitted to the Court by March 31, 2025.

23. The parties shall prepare in writing and submit to the Court any special voir dire inquiries they wish the judge to ask the jury panel.

24. The parties shall confer in advance of trial for the purpose of preparing an agreed upon special verdict form, if a special verdict form is to be requested. The agreed upon special verdict form shall be submitted to the Court. In the event of disagreement, the parties shall submit all proposed special verdict forms to the Court.

25. The parties shall confer in advance of trial for the purpose of preparing an agreed upon concise statement of the case that may be read by the trial judge to the jury during voir dire. The agreed upon concise statement of the case shall be submitted to the Court. In the event of disagreement, the parties shall submit all proposed concise statements of the case to the Court.

26. Jury instructions shall be prepared in accordance with LR 51.1 and submitted to the Court.

27. All submissions to the Court required by paragraphs 23, 24, 25 and 26 shall be made by March 24, 2025.

28. A final pretrial conference shall be held on March 24, 2025, at 10:00 a.m. in Aha Kaulike before the Honorable Micah W.J. Smith, United States District Judge.

29. (RESERVED)

OTHER MATTERS:

Early Settlement Conference set for August 6, 2024 at 11:00 a.m. before KJM by Video Conference (VTC). Confidential Settlement Conference statements due by July 30, 2024.

The Confidential Settlement Conference Statements shall be delivered (one-set, double-sided) to the Clerk's Office **and** delivered electronically by emailing it to mansfield_orders@hid.uscourts.gov.

The courtroom manager will provide the applicable participants with instructions and information to connect by video prior to the scheduled video conference date.

For all telephonic hearings set before Magistrate Judge Kenneth J. Mansfield, parties are to participate via telephone through the Court's Zoom Teleconference. Please see below for call-in information. Parties must connect to the conference at least five (5)

minutes prior to the scheduled start time of the hearing.


Dial in number is 1-833-568-8864

Access Code: 160 8983 1896

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, June 18, 2024.




Kenneth J. Mansfield
United States Magistrate Judge

Demetre Durham vs. Experian Information Solutions, Inc.; 1:23-CV-00255-MWJS-KJM; First Amended Rule 16 Scheduling Order